

UNITED STATES DISTRICT COURT  
for the  
Northern District of West Virginia

Merck Sharpe & Dohme LLC

*Plaintiff(s)*

v.

Civil Action No. 1:19-cv-101

Mylan Pharmaceuticals, Inc.

*Defendant(s)*

**JUDGMENT IN A CIVIL ACTION**

The court has ordered that:

☐ Judgment award      ☐ Judgment costs      ☒ Other

other:

This action was:

☐ tried by jury      ☐ tried by judge      ☒ decided by judge

decided by Judge Irene M. Keeley

The Court FINDS that Merck has demonstrated by a preponderance of the evidence that Mylan's ANDA products will infringe claim 3 of the '708 patent and claim 1 of the '921 patent, and that Mylan has not demonstrated by clear and convincing evidence that the asserted claims of the '708 patent are invalid under the obviousness-type double patenting doctrine or pursuant to 35 U.S.C. § 112 for lack of written description or lack of enablement.

Date: September 21, 2022

*CLERK OF COURT*

Cheryl Dean Riley

/s/ D. Kinsey

*Signature of Clerk or Deputy Clerk*